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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Kilkenny et al.
Appl. No. : 10/632,327
Filed : August 1, 2003
For : DISINFECTANT GLASS
WIPE
Examiner : Lorna M. Douyon
Group Art Unit: 1751

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to: Mail Stop Patent Application, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on

3/23/06
(Date)

Toni Sampson

Toni Sampson

37 C.F.R. §1.132 DECLARATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

DECLARATION OF ANDREW KILKENNY
37 C.F.R. §1.132

I, ANDREW KILKENNY, being duly sworn, hereby depose and declare as follows:

1. I am an employee of The Clorox Company (hereafter, "Clorox"), owner by assignment of this pending application, and am one of the co-inventors of invention claimed in this pending patent application.
2. I am a skilled practitioner in the Chemical Arts. I received the BS degree in Chemical Engineering from University of California at Davis, and have been employed in cleaning products research and development for seven years, among my many duties for Clorox.
3. I am a named inventor in the above-identified Application and am familiar with its contents and with antimicrobial compositions generally. I am familiar with the disclosures of the prior art cited in an Office Action (the "Action") dated December 23, 2005 herein. Upon information and belief, it is understood that then Claims 1-31 hereof were rejected in that Office Action over the art. In particular, the substantive rejection was for alleged obviousness over Barnabas et al., U.S.

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Patent App. 2003/0119705 for claims 1-14, 16-19, 21-22, 24-25 and 27-31, while the combination of Barnabas in view of Barger et al., U.S. Pat. 6,562,142 was used to reject claims 15, 20, 23 and 26. In addition, there was a substantive rejection for alleged obviousness over Sherry et al. U.S. Patent 6,716,805 for claims 1-14, 16-19, 21-22, 24-25 and 27-31, while the combination of Sherry in view of Barger was used to reject claims 15, 20, 23, and 26. It is further understood that the Examiner recommended evidence of unexpected results be demonstrated for proportions of organic solvent, sodium hydroxide, and pH.

4. I thus had an additional Comparative sample tested for disinfectancy to establish the pH criticality for these low solvent formulations. The Comparative sample (new) and the closest Inventive sample (data from the application) are profiled in the Table I below. The results show that low solvent formulas below pH 10 are not effective as disinfectants.

TABLE I

Example	Isopropanol	Propylene glycol n-butyl ether	Octyldiphenyloxide disulfonate	pH	Disinfectant
Inventive A	1.0	1.5	0.05	12.45	Yes
Comparative	1.0	1.7	0.05	9.8	No

I, ANDREW KILKENNY, B.S., certify that the foregoing statement of facts are true and correct of my own knowledge; that statements made on information and belief are believed to be true; and that willful false statements and the like so made are punishable by fine or imprisonment, or both, under §1001 of Title 10, U.S. Code, and may jeopardize the validity of this application or any patent issuing thereon.

Signed: 3/23, 2006


ANDREW KILKENNY